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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/681,038	10/07/2003	Ann Brazil	50694/RAW/B817	2722
23363	7590	04/19/2006	EXAMINER	
CHRISTIE, PARKER & HALE, LLP PO BOX 7068 PASADENA, CA 91109-7068			HARRIS, CHANDA L	
			ART UNIT	PAPER NUMBER
			3715	

DATE MAILED: 04/19/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/681,038	BRAZIL, ANN	
	Examiner	Art Unit	
	Chanda L. Harris	3715	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 December 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

In response to the Amendment filed 12/17/04, Claims 1-9 are pending.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Sloane et al. (US 5,813,863).

1. [Claim 1]: Regarding Claim 1, Sloane discloses educating a child using a media presentation device in communication with a user interface. See Fig.1. Sloane's invention is capable of identifying a problem behavior (e.g., drug use) exhibited by the child. See Col.8: 25-33. Sloane discloses selecting through the user interface an educational time-out presentation to present to the child that corresponds to the problem behavior and presenting the educational time-out presentation to the child through the media presentation device, wherein the child is educated about the problem behavior and alternate appropriate behavior (e.g., engage in sex, protected vs. unprotected sex, whether to have more beer/drugs, etc. See Col.8: 38-Col.9: 39.
2. [Claim 2]: Regarding Claim 2, Sloane discloses monitoring the child's behavior and

intervening in the child's behavior whereby the child associates the intervention with the problem behavior: As the user accepts drinks and/or drugs, warnings are given about decreased judgement, the body weight of the first-person character, and the total drinks/drugs consumed thus far (Col.8: 30-33).

3. [Claim 3]: Regarding Claim 3, Sloane discloses wherein selecting an educational time-out presentation further includes selecting an educational time-out presentation topic from a plurality of time-out presentation topics presented by the user interface. See Col.6: 8-12.

4. [Claim 4]: Regarding Claim 4, Sloane discloses a calming segment (e.g., 1 minute teaser video clip set to music) and an educational segment (e.g., Interactive/Contextual Adventure). See Col.5: 52-66 and Col.6: 39-55.

5. [Claim 5]: Regarding Claim 5, Sloane's invention is capable of providing wherein the educational segment includes a multimedia comparison between correct and incorrect choices, the multimedia comparison including visual, auditory, and musical depictions of choices due to its incorporation of multimedia software. See Col.4: 58-Col.5: 16 and Col.10: 16-20.

6. [Claim 6]: Regarding Claim 6, Sloane discloses a scene acknowledging the child's feelings. See Fig. 3 (700,710). Sloane discloses a scene identifying the child's incorrect choices, a scene depicting a child in the presentation making an incorrect choice, and a scene querying the child about the child's choices, the scene contrasting a correct choice from an incorrect choice. See Fig.4. Sloane discloses a scene where

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the child in the presentation makes a correct choice; and a scene praising the child for being a person who wants to make a correct choice. See Fig. 8 (540, 546).

7. [Claims 7-8]: Regarding Claims 7 and 8, Sloane's invention is capable of providing wherein the scene acknowledging the child's feelings includes a song segment and wherein the scene querying the child about the child's choices includes a song segment due to its incorporation of multimedia software. See Col.4: 58-Col.5:16.

8. [Claim 9]: Regarding Claim 9, presenting the educational time-out presentation in Sloane is considered to include isolating the child from any distractions during the presentation of the educational time-out presentation.

Response to Arguments


Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection. See rejection above. This action is made NON-FINAL.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chanda L. Harris whose telephone number is 571-272-4448. The examiner can normally be reached on M-F 6:30am-4:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Monica S. Carter can be reached on 571-272-4475. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Chanda L. Harris
Primary Examiner
Art Unit 3715